

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MAXIE MOORE,

Plaintiff,

Civil No. 05-195-CO

v.

FINDINGS AND
RECOMMENDATION

CHARLES DANIELS, et al.,

Defendants.

COONEY, Magistrate Judge.

In an Order (#33) entered December 12, 2005, plaintiff was allowed 60 days to file proof that defendants have been properly served. Plaintiff was also ordered to file an amended complaint curing the defects set forth in the Findings and Recommendation (#31) entered October 27, 2005. Plaintiff has not responded to the court's order.

This action should be dismissed on the grounds set forth in the court's Findings and Recommendation (#31) [failure to

state a claim and failure to serve defendants] and for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this __2__ day of March, 2006.

s/
John P. Cooney
United States Magistrate Judge